

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG.PHILIPS LCD CO., LTD.,

Plaintiff/Counterclaim Defendant,

v.

Civil Action No. 05-292 (JJF)

TATUNG COMPANY;
TATUNG COMPANY OF AMERICA, INC.;
CHUNGHWA PICTURE TUBES, LTD.;
AND VIEWSONIC CORPORATION,

Defendants/Counterclaim Plaintiffs.

REDACTED

DECLARATION OF HO LEE

July 10, 2006

THE BAYARD FIRM

s/ Richard D. Kirk (rk0922)
Richard D. Kirk, Esquire (#922)
222 Delaware Avenue
Ninth Floor
Wilmington, DE 19801
(302) 655-5000

Attorneys For Plaintiff,
Commissariat à l'Energie Atomique

OF COUNSEL:

Gaspare J. Bono
Song K. Jung
Matthew T. Bailey
Lora A. Brzezynski
McKenna Long & Aldridge LLP
1900 K Street, N.W.
Washington, D.C. 20006
(202) 496-7500

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG.PHILIPS LCD CO., LTD.,

Plaintiff,

v.

TATUNG COMPANY; TATUNG COMPANY OF
AMERICA, INC.; CHUNGHWA PICTURE
TUBES, LTD.; AND VIEWSONIC
CORPORATION,

Defendants.

Civil Action No. 05-292 (JJF)

REDACTED

DECLARATION OF HO LEE

I, Ho Lee, hereby depose and state:

1. I am over 18 years of age and I have personal knowledge of the matters set forth herein.
2. Currently, I am a Senior Manager in LG Electronics Inc.'s Intellectual Property Center.

In that capacity, I am responsible for LG Electronics Inc.'s patent purchase/licensing programs.

3. In 2002, I was a Senior Manager at LG.Philips LCD Company Ltd.'s ("LPL's") Intellectual Property Center. In that capacity, I was in charge of LPL's patent licensing programs. I reported to Mr. Jeong Hwan Lee (JH Lee), who was the Vice President of LPL's Intellectual Property Center.

4. In the course of my duties, I was responsible for the preparation of correspondence signed by Mr. JH Lee and sent to Cheng-Yuan Lin, President of Chungwa Picture Tubes, Ltd. ("CPT") regarding CPT's infringement of LPL's patent rights. I am personally familiar with the ensuing correspondence and negotiations between LPL and CPT on this subject.

personally familiar with the ensuing correspondence and negotiations between LPL and CPT on this subject.

5. LPL's February 8, 2002 letter notified CPT that LPL is the owner of U.S. Patent No. 5,019,002 (the "002 Patent"), among others. A copy of that letter is attached as Exhibit 1. In the letter, LPL stated its willingness to consider licensing the '002 Patent to CPT, and offered to meet with CPT to provide further details relating its patents, including the '002 Patent, to specific CPT products. (Ex. 1.) LPL advised CPT of its:

belief that the LCD technology patents owned by LG.Philips are wide-ranging and valuable. As examples, you may wish to review U.S. Patent Nos. 4,624,737; 5,019,002; 5,856,816; 4,885,616; 5,825,449; 5,835,139; 5,926,237; 6,002,457.... A portfolio of patents including these exemplary patents is currently available for license from LG.Philips. Should your company wish to discuss the above-identified patents or the relevance of the LGP patent portfolio to any specific products of your company, we would be happy to visit your company on any one day between March 14 and March 15.

(*Id.*, emphasis added.) LPL viewed this letter as the first in a series of communications notifying CPT of its infringement of LPL's patent rights, and in the letter, LPL requested CPT to respond by February 26, 2002 so that the communications might proceed. (*Id.*)

6. Because LPL had not received any response from CPT, I was responsible for preparing a February 27, 2002 letter signed by Mr. JH Lee and sent to Cheng-Yuan Lin of CPT. A copy of that letter is attached as Exhibit 2. In the February 27, 2002 letter, LPL expressed concern that CPT was uninterested in reaching an amicable resolution with LPL regarding its infringement of LPL's patents, including the '002 Patent. (Ex. 2.) LPL warned CPT that LPL would initiate legal action against CPT if the parties could not negotiate such a resolution. (*Id.*)

We wrote:

[o]n February 8, we wrote you and asked for a meeting to discuss the unauthorized use of technology owned by LG.Philips LCD Co., Ltd ... by Chungwa Picture Tubes, Inc.... In that letter, we asked for a meeting to discuss this issue of patent infringement with CPT. CPT has not responded to our letter. Please recognize that LGP will take legal action to protect its property rights, as necessary, in the event amicable negotiations cannot resolve this matter.

(*Id.*, emphasis added.) The letter served to notify CPT that LPL was aware that CPT's LCD products infringed LPL's patents, including the '002 Patent, and that LPL would take all necessary measures to protect its legal rights.

7. LPL expected its February 27, 2002 letter to prompt a response, and it did. Shortly after we sent the letter, LPL received a response from CPT, in the form of a letter from Mr. Hsiang-Kuei Chung, Vice President of CPT's TFT Business Unit. A copy of that letter is attached as Exhibit 3. In its response, CPT indicated its willingness to meet with LPL to discuss licensing the '002 Patent, among others. (Ex. 3.) CPT wrote:

I write in response to your letters dated February 8th and 27th, 2002 to President Lin Of [sic] Chungwha Picture Tubes....[I]n an effort to avoid any misunderstandings between CPT and your company in the LCD arena, we welcome representatives from LG Philips [sic] to meet with us on March 15, 2002.

(*Id.*) It was apparent from CPT's letter that it understood the meaning of LPL's two prior letters as LPL had intended. Specifically, because CPT referenced both LPL's February 8 and February 27 letters, and because it indicated its willingness to meet to discuss products "in the LCD arena," CPT acknowledged that LPL was asserting infringement of the patents referenced in LPL's February 8, 2002 letter, including the '002 Patent, and that the accused goods were CPT's LCD products, as opposed to its cathode ray tube ("CRT") products.

8. CPT subsequently wrote to request a rescheduling of the March 15 meeting. Over the next two months, LPL tried repeatedly to set a firm date and time for a meeting with CPT to

discuss CPT's unauthorized use of LPL's technology, including the '002 Patent. Copies of correspondence prepared under my direction and sent to CPT, or received from CPT on this subject, are attached as Exhibit 4. LPL concluded that CPT was attempting to delay or avoid a meeting with LPL. Finally, in a May 8, 2002 letter prepared under my direction, LPL stated that it would make one final attempt to meet with CPT to discuss CPT's infringement of LPL's patents, including the '002 Patent. A copy of that letter is attached as Exhibit 5. We wrote that LPL was

somewhat mystified by CPT's failure to address this serious issue of patent infringement between LG.Philips LCD Co., Ltd. and CPT. This letter is our final attempt to resolve this patent dispute with CPT in an amicable way.

(*Id.*, emphasis added.) The letter reiterated LPL's willingness to initiate legal action in order to protect its rights to patents including the '002 Patent. (*Id.*) Once again, we expected our letter to prompt a response from CPT, and it did. On May 10, 2002, CPT finally agreed to have its designated representatives meet with LPL on June 11, 2002. (Ex. 6.)

9. The next month, in June 2002, I, along with other representatives from LPL, met with CPT's designated representatives at CPT's offices in Taiwan.

At that initial meeting, LPL introduced CPT to many of LPL's patents, including the '002 Patent, and presented detailed claim charts regarding some of the patents. I presented CPT with specific examples of CPT products that infringe LPL's patents, including the '002 Patent. Among the examples of infringing products that LPL identified were the products designated by the following CPT model numbers: CLAA150XA03; CLAA141XC01; and CLAA141XF01. I told CPT at this meeting that CPT products, including the specific examples we illustrated, infringe

the LPL patents, including the '002 Patent. In addition, LPL provided a draft licensing agreement to CPT for its consideration. In presenting the draft licensing agreement, LPL reiterated both its willingness to license the '002 Patent and other intellectual property infringed by CPT's products and its intent to initiate legal proceedings if necessary to protect its rights in LPL's patents, including the '002 Patent.

10. After the June 2002 meeting, the parties exchanged some communications regarding CPT's infringement of LPL's patent rights, including the '002 Patent. However, it soon became apparent to LPL that CPT was interested only in further delay, and that CPT was unwilling to negotiate a license in good faith. CPT requested yet another extension in July 2002, and LPL responded on July 30, 2002, in a letter prepared under my supervision that demanded an immediate response from CPT:

A copy of this letter is attached as Exhibit 7.

CPT failed to respond to this communication.

11. In letters dated August 12, 2002, and prepared under my supervision, LPL notified Tatung Company and ViewSonic Company of the evidence it had collected demonstrating that CPT's products infringe LPL's patents, including the '002 Patent. LPL further advised Tatung Company and ViewSonic Company that they had purchased infringing LCD panels from CPT. LPL advised Tatung Company and ViewSonic Company to seek non-

infringing sources for their LCD panels, and suggested meetings to discuss amicable resolutions.

(Exs. 8, 9.)

12. I am personally familiar with the responses of Tatung Company and of ViewSonic Company to LPL's August 12, 2002 letters. When Tatung Company and ViewSonic Company failed to respond to LPL's letters in a satisfactory manner and it became apparent that they were uninterested in resolving the issue amicably, LPL proceeded to initiate this lawsuit.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 7th day of July, 2006

Ho Lee

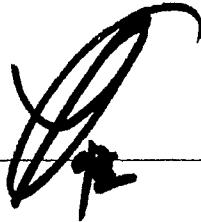
A handwritten signature in black ink, appearing to read "Ho Lee", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'H' and 'L'.

Exhibit 1



LG Philips LCD
533, Hogae-dong, Dongan-gu, Anyang-shi,
Kyonggi-do, 430-080 R.O.Korea
TEL : 82-31-450-7443 FAX: 82-31-429-4588

VIA FACSIMILE

To : Cheng-Yuan, Lin
President
Chunghwa Picture Tubes.,LTD
1127 Hopin Rd., Padeh City, Taoyuan, Taiwan, R.O.C
Fax : 886-3-377-3189
Tel : 886-3-367-5151

February 8, 2002

Dear Mr. President

LG.Philips LCD Co., Ltd. ("LG.Philips") is an industry leader in the liquid crystal display (LCD) technology. One reason for this is the amount of investment that LG.Philips has made to develop the necessary technology to manufacture the highest quality LCD products. LG.Philips is proud of the accomplishments made in the technology behind our LCD products.

LG.Philips has also placed high priority on worldwide intellectual property, which is synonymous with high technology. It is our belief that the LCD technology patents owned by LG.Philips are wide-ranging and valuable. As examples, you may wish to review U.S. Patent Nos. 4,624,737; 5019002; 5856816; 4885616; 5825449; 5,835,139; 5,926,237; 6,002,457. We believe that these patents, although only exemplary, cover a wide ranging. A portfolio of patents including these exemplary patents is currently available for license from LG.Philips.

Should your company wish to discuss the above-identified patents or the relevance of the LGP patent portfolio to any specific products of your company, we would be happy to visit your company on any one day between March 14 and March 15.

I look forward to receiving either your response to my suggestion or your suggestion, desirably no later than February 26, 2002.

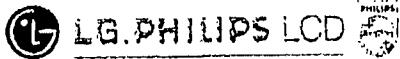
Sincerely yours,

Two handwritten signatures. The first signature on the left is "Jeong-Ywan Lee" and the second signature on the right is "J. Lee".

Jeong-Ywan Lee
Vice President
Intellectual Property Center
Tel : 82-31-450-7479
Fax : 82-31-429-4588
jylee@lgphilips-lcd.com

LPL0000217

Exhibit 2



LG Phillips LCD
533,Hogae-dong, Dongan-gu, Anyang-shi,
Kyongki-do, 430-080 R.O.Korea
TEL : 82-31-450-7443 FAX: 82-31-429-4588

VIA FACSIMILE

To : Cheng-Yuan, Lin
President
Chunghwa Picture Tubes.,LTD
1127 Hopin Rd., Padeh City, Taoyuan, Taiwan, R.O.C
Fax : 886-3-377-3189
Tel : 886-3-367-5151

February 27, 2002

Dear Mr. President

On February 8, we wrote you and asked for a meeting to discuss the unauthorized use of technology owned by LG.Philips LCD Co., Ltd. ("LGP") by Chungwa Picture Tubes, Inc. ("CPT"). In that letter, we asked for a meeting to discuss this issue of patent infringement with CPT. CPT has not responded to our letter.

We are concerned that CPT's lack of a response indicates a lack of interest on the part of CPT to attempt to resolve this issue through amicable negotiations. We will be in Taiwan in March and would be available to meet with CPT on March 14 or 15. Please let us know if CPT has any interest in discussing this matter with LGP.

Please recognize that LGP will take legal action to protect its property rights, as necessary, in the event amicable negotiations cannot resolve this matter. We hope to hear from CPT soon so that we can confirm a meeting date to discuss this serious issue, desirably no later than March 1, 2002.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Jeong-Hwan Lee'.

Jeong-Hwan Lee
Vice President
Intellectual Property Center
Tel : 82-31-450-7479
Fax : 82-31-429-4588
jhlee@lgphilips-lcd.com

LPL0000216

Exhibit 3

05/03/2002 15:00 CPT SIP

NO. 098 001



中華映管股份有限公司
CHUNGHWA PICTURE TUBES LTD.

Jeong-Hwan Lee
Vice President
Intellectual Property Center
L.G Philips LCD
Tel : 82-31-450-7479
Fax : 82-31-429-4588

3/3/2002

Dear Mr. Lee:

I write in response to your letters dated February 8th and 27th, 2002 to President Lin

Of Chunghwa Picture Tubes, Ltd (CPT)

CPT is a leading company of LCD product in Taiwan, as well as CRT product in the world. Through the years CPT has invested its priorities in Research and Development to grow its intellectual property rights in CRT/LCD arts. Also we have technical cooperation with other companies based in Japan. Likewise, CPT prides itself in given due respect to the intellectual property rights of others in learned in the same art. In that respect and in an effort to avoid any misunderstandings between CPT and your company in the LCB area, we welcome representatives from LC Philips to meet with us on March 15, 2002, at 10:00AM, at our offices located at 1127 Hopin Rd.

Padah City, Taoyuan.

Please confirm with me in writing that the above date and time will be acceptable for our meeting. I wait to hear from you shortly.

Sincerely yours,

Hsiang-Kuei Chung
Vice President
TFT Business Unit
Tel : 886-3-3675151
Fax : 886-3-3773001

LPL0000215



Exhibit 4

08-03-02 13:43 FAX NO.:
07-03-2002 10:13 CPT SIP

P.01

NO.134 6



中華映管股份有限公司
CHUNGHWA PICTURE TUBES LTD.

Jeong-Hwan Lee
Vice President
Intellectual Property Center
L.G Philips LCD
Tel : 82-31-450-7479
Fax : 82-31-429-4588

03/07/2002

Dear Mr. Lee:

First of all, I want to apologize for the meeting on March 15, 10:00AM should be delay. For some reasons, we have some urgent schedule during that week.

Please confirm with me in writing that what date and time will be acceptable for our first meeting after the above day at our office located at 1127 Hopin Rd. Padeb City, Taoyuan.

I look forward to hearing from you soon.

Very truly yours,

Hsiang-Kuei Chung
Vice President
TFT Business Unit
Tel : 886-3-3675151
Fax : 886-3-3773001



LPL0000214



LG Philips LCD
533, Hogae-dong, Dongan-gu, Anyang-shi,
Kyonggi-do, 430-080 R.O.Korea
TEL : 82-31-450-7443 FAX: 82-31-429-4588

VIA FACSIMILE

To : Hsiang-Kuei Chung
Vice President
TFT Business Unit
Chunghwa Picture Tubes.,LTD
Fax : 886-3-377-3001
Tel : 886-3-367-5151

March 7, 2002

Dear Mr. Chung

Thank you for your letter dated March 7.

I have just changed a schedule for next meeting, because you have some urgent
schedule during next week.

We are planning to visit Taiwan in April, and would like to meet with you to discuss the
issue of patent infringement on April 18 or 19.

We hope to hear from CPT soon so that we can confirm a meeting date to discuss this
serious issue, desirably no later than March 22, 2002.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Jeong-Hwan Lee'.

Jeong-Hwan Lee
Vice President
Intellectual Property Center
Tel : 82-31-450-7479
Fax : 82-31-429-4588
jhlee@lgphilips-lcd.com

LPL0000213



LG Philips LCD
533,Hogae-dong, Dongan-gu, Anyang-shi,
Kyongki-do, 430-080 R.O.Korea
TEL : 82-31-450-7479 FAX: 82-31-429-4588

VIA FACSIMILE

To : Hsiang-Kuei Chung
Vice President
TFT Business Unit
Chunghwa Picture Tubes.,LTD
Fax : 886-3-377-3001, Tel : 886-3-367-5151

March 26, 2002

Dear Mr. Chung

Over the last several months, LG.Philips LCD Co. Ltd. ("LG.Philips") has tried repeatedly to arrange a meeting with Chunghwa Picture Tubes Ltd. ("CPT") to discuss CPT's unauthorized use of LG.Philips' patented technology. While at times appearing willing to discuss the dispute with LG.Philips, in the end, CPT has always resorted to delay and non-cooperation. For example, in LG Philips' letter dated March 7, 2002, LG.Philips agreed to delay the scheduled meeting until the week of April 15 at CPT's request. LG.Philips asked CPT to confirm a rescheduled meeting date by March 22. Rather than confirm a date, CPT has simply ignored LG.Philips' recent letter.

It is becoming increasingly clear to LG.Philips that CPT has no intention of resolving this matter amicably. Accordingly, LG.Philips will protect its interests through other, more formal, means. In the event there was some mistake in overlooking a response to LG Philips' recent letter, and CPT would like to discuss a business-like solution to this dispute, please contact us as soon as possible to confirm a meeting date of April 18 or 19.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeong-Hwan Lee".

Jeong-Hwan Lee
Vice President
Intellectual Property Center
jhlee@lgphilips-lcd.com

LPL0000212

Exhibit 5



PRIVILEGED
LG Philips LCD
533, Hogae-dong, Dongan-gu, Anyang-shi,
Kyonggi-do, 430-080 R.O.Korea
TEL : 82-31-450-7479 FAX: 82-31-429-4588

VIA FACSIMILE

To : Hsiang-Kuei Chung
Vice President
TFT Business Unit
Chunghwa Picture Tubes.,LTD
Fax : 886-3-377-3001, Tel : 886-3-367-5151

May 8, 2002

Dear Mr. Chung

This letter is in follow-up to my last letter to you dated on March 26. CPT failed to respond to that letter. We are somewhat mystified by CPT's failure to address this serious issue of patent infringement between LG.Philips LCD Co. Ltd. and CPT. This letter is our final attempt to resolve this patent dispute with CPT in an amicable way. We will make another trip to Taiwan during the week of June 11. If CPT would like to meet with us during that trip in an effort to resolve the outstanding issues in a business-like manner, please contact us as soon as possible to confirm a meeting date of June 11.

Sincerely yours,

Two handwritten signatures are shown side-by-side. The signature on the left is 'Jeong-Hwan Lee' and the signature on the right is 'Seo'.

Jeong-Hwan Lee
Vice President
Intellectual Property Center
jhlee@lgphilips-lcd.com

LPL0000211

Exhibit 6

13-06-02 08:22 FAX NO. 1

P.01



中華映管股份有限公司
CHUNGHWA PICTURE TUBES LTD.

VIA FACSIMILE

Jeong-Hwan Lee
Vice President
Intellectual Property Center
L.G Philips LCD
Tel : 82-31-450-7479
Fax : 82-31-429-4588

05/10/2002

Dear Mr. Lee:

Thank you for your letter dated on May 8.

Due to somehow internal miscommunication, I apologize for not response your letter dated on March 26,2002.

AS you know , CPT is a leading company of LCD products in Taiwan, we also pride of ourselves in given due respect in intellectual properties area .

In order to avoid any misunderstandings between L.G Philips and CPT, we are glad to meet you on June 11,10:00AM at our office located at No.1127 Hopin Rd. Padeh City, Taoyuan.

I look forward to hearing from you soon.

Very truly yours,

Hsiang-Kuei Chung
Vice President
TFT Business Unit
Tel : 886-3-3675151
Fax : 886-3-3773001

Hsiang-Kuei Chung.



LPL0000210

Exhibit 7

CONFIDENTIAL DOCUMENT

These pages have been removed because they contain confidential information subject to the Protective Order.

Exhibit 8



LG Philips LCD
533, Hogae-dong, Dongan-gu, Anyang-shi,
Kyonggi-do, 430-080 R.O.Korea
TEL : 82-31-450-7450 FAX: 82-31-429-4588

VIA FACSIMILE

August 12, 2002

To : Mr. James Chu
President
ViewSonic Co.
381 Brea Canyon Rd, Walnut, CA 91789, U.S.A
Fax : 1-909-468-5838

Re: LG.Philips LCD Co. Ltd.'s Patents

Dear Mr. President:

LG.Philips LCD Co. Ltd. ("LPL") is a world-leader in LCD research and development and owns a large patent portfolio directed to LCD technology. LPL has collected evidence that Chunghwa Picture Tubes, Ltd. ("CPT") is infringing LPL's patents, and has presented that evidence to CPT. CPT's only response to LPL's infringement allegations has been to interpose delay; CPT has not responded substantively to LPL's allegations.

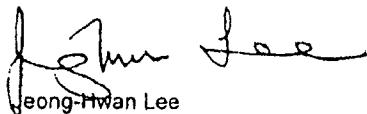
It has come to our attention that ViewSonic Co. employs CPT-manufactured LCD panels in at least its monitor products, and that is the reason for our letter. LPL views CPT's infringement as a serious matter. LPL believes that this infringement issue should be resolved by the manufacturer of the infringing panels, namely, CPT. However, the sale of products containing the infringing panels in the United States, or aiding or encouraging such sales, is itself an act of patent infringement, and LPL reserves its rights to obtain all relief to which it is entitled to redress that illegal conduct. LPL encourages ViewSonic Co. to seek a non-infringing source of LCD panels.

If ViewSonic Co. would like to discuss this matter with us, please contact the undersigned. Alternatively, ViewSonic Co. can have its outside counsel contact our outside counsel as follows:

Nathan W. McCutcheon
MORGAN LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave , N W.
Washington, DC 20004

We hope that this issue can be resolved amicably.

Very truly yours,



Jeong-Hwan Lee

Vice President
Intellectual Property Center
LG.Philips LCD

LPL0000237

Exhibit 9



LG Philips LCD
533, Hogae-dong, Dongan-gu, Anyang-shi,
Kyonggi-do, 430-080 R.O.Korea
TEL : 82-31-450-7450 FAX: 82-31-429-4588

VIA FAXSIMILE

August 12, 2002

To : Mr. Wen-Yen K. Lin
Vice President
Tatung Co.
22, Chungshan N.Rd., Sec 3, Taipei
Fax : 886-2-2594-0234

Re: LG.Philips LCD Co. Ltd.'s Patents

Dear Mr. Wen-Yen K. Lin:

LG.Philips LCD Co. Ltd. ("LPL") is a world-leader in LCD research and development and owns a large patent portfolio directed to LCD technology. LPL has collected evidence that Chunghwa Picture Tubes, Ltd. ("CPT") is infringing LPL's patents, and has presented that evidence to CPT. CPT's only response to LPL's infringement allegations has been to interpose delay; CPT has not responded substantively to LPL's allegations.

It has come to our attention that Tatung Co. employs CPT-manufactured LCD panels in at least its monitor products, and that is the reason for our letter. LPL views CPT's infringement as a serious matter. LPL believes that this infringement issue should be resolved by the manufacturer of the infringing panels, namely, CPT. However, the sale of products containing the infringing panels in the United States, or aiding or encouraging such sales, is itself an act of patent infringement, and LPL reserves its rights to obtain all relief to which it is entitled to redress that illegal conduct. LPL encourages Tatung Co. to seek a non-infringing source of LCD panels.

If Tatung Co. would like to discuss this matter with us, please contact the undersigned. Alternatively, Tatung Co. can have its outside counsel contact our outside counsel as follows:

Nathan W. McCutcheon
MORGAN LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., N.W.
Washington, DC 20004

We hope that this issue can be resolved amicably.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Lee' or 'Jeong-Hwan Lee'.
Jeong-Hwan Lee

Vice President
Intellectual Property Center
LG Philips LCD

LPL0000238

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on July 10, 2006, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

Robert W. Whetzel, Esq.
Matthew W. King, Esq.
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899

The undersigned counsel further certifies that copies of the foregoing document were sent on July 10, 2006 by email and by hand to the above counsel and by email and first class mail to the following non-registered participants:

Christine A. Dudzik, Esq.	Teresa M. Corbin, Esq.
Thomas W. Jenkins, Esq.	Glenn W. Rhodes, Esq.
Howrey LLP	Julie Gabler, Esq.
321 North Clark Street	Howrey LLP
Suite 3400	525 Market Street
Chicago, IL 60610	Suite 3600
	San Francisco, CA 94105

/s/ Richard D. Kirk (rk0922)
Richard D. Kirk